

# Exhibit C

(Complaint)

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

CAROLYN COX,

Plaintiff,

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CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

vs.

CIVIL ACTION NO. 17-C-133  
JUDGE: Webster

JANE DOE, indivually, and  
DOLGENCORP, LLC, d/b/a  
DOLLAR GENERAL, a Kentucky corporation,

Defendants.

**COMPLAINT**

For her complaint, Plaintiff avers as follows:

1. At all times mentioned herein, Defendant Jane Doe, a resident of West Virginia, was the manager of Defendant Dolgencorp, LLC's Dollar General store located at 4914 Elk River Road, Elkview, West Virginia 25071-9280.
2. At all times mentioned herein, Defendant Dolgencorp, LLC, d/b/a Dollar General (hereinafter referred to as "Dollar General") was and is a Kentucky corporation licensed to do business within the State of West Virginia and maintained a business located at 4914 Elk River Road, Elkview, West Virginia 25071-9280.
3. At all times mentioned herein, Plaintiff, Carolyn Cox, was a business invitee on the above-described premises, and as such, had a right to assume that the premises were reasonably safe for the purposes for which she was invited thereon.
4. At all times mentioned herein, Defendant Dollar General, had authority and control over the premises of Dollar General, and had a duty to keep said premises in a reasonably safe condition.

5. Defendant had a duty not to expose its business invitees to danger while the invitees were exercising ordinary care for their own safety.

6. Defendant had a duty to give a warning to business invitees of any unsafe condition known to it or which might reasonably have been foreseen.

7. At all times mentioned herein, Defendants exposed Plaintiff, Carolyn Cox, to an inherently dangerous condition on the premises, that is the dangerous placement of a cart for moving empty boxes. Defendants' employees improperly and negligently stored the cart inside the store at the end of an aisle, against store policy. Defendant's employees placed the cart in a position where the long metal part of the cart stuck out at the end of an aisle, where it was difficult to see, thereby exposing customers to a dangerous condition. Furthermore, Defendant Dollar General's employees failed to warn Plaintiff that a dangerous condition existed on the premises.

8. As a consequence of the negligence of the Defendants, as aforesaid, Plaintiff, Carolyn Cox, on or about the 24<sup>th</sup> of July, 2016, while lawfully on the premises of Defendant Dollar General as a business invitee and while exercising ordinary care for her own safety, was injured when she tripped over the portion of the cart that was sticking out at the end of the aisle and struck her head violently on a candy rack. Plaintiff's fall was recorded on video. Plaintiff's injuries include: severe facial and head injuries resulting in contusions around her right eye, permanent nerve damage and numbness in her face, and injuries to her right shoulder, right knee and right hip.

9. As a further consequence of the negligence of Defendants, as hereinabove described, Plaintiff Carolyn Cox, has sustained:

- (a) Pain and suffering, past and future;
- (b) Loss of enjoyment of life; and

- (c) Medical expenses, past and future; and
- (d) Permanent facial disfigurement, facial twitching, watering of her right eye, consistent drooling and back pain.


10. As a direct and proximate result of said conduct of Defendants, Plaintiff was severely and permanently injured as hereinabove described.

WHEREFORE, Plaintiff, Carolyn Cox, demands judgment against Defendants in a sum that will fully and completely compensate her for the injuries sustained.

PLAINTIFF DEMANDS THAT THIS CAUSE BE TRIED BY A JURY.

**CAROLYN COX**

- By Counsel -

  
Lia DiTrapano Fairless (WV State Bar No.: 6884)  
DiTrapano Law Firm, P.C.  
604 Virginia Street, East, Ste. 307  
Charleston, West Virginia 25301  
(304) 414-0184  
(304) 414-0185 Facsimile